

Appl. No. 10/624,850  
Amdt. dated September 15, 2004  
Reply to Office Action of March 15, 2004

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**REMARKS/ARGUMENTS**

Claims 1-6 are pending in this application. Each of claims 1-6 stand substantively rejected. In this Amendment, claim 1 is amended. Reconsideration of the claims is respectfully requested.

First Rejection Under 35 U.S.C. §103

Claims 1-6 were rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent Pub. No. 2003/0024163 to Sasuga ["Sasuga"] in view of U.S. Patent No. 5,458,662 to Toyone ["Toyone"] and U.S. Patent No. 1,828,488 to Seidel ["Seidel"]. This rejection is overcome as follows.

According to MPEP 2143, a *prima facie* case of obviousness requires, among other things, that the cited reference (or references when combined) teach or suggest all the claim limitations. It is submitted that the combination of cited references fail to teach all of the presently claimed elements.

In general terms, amended claim 1 is drawn to a container having a block of dehydrated coir fibres, wherein the block abuts against the interior of the container and expands upwardly upon rehydration within the container towards the open top.

Sasuga discusses a container, growing medium, and edible seedlings for distribution and sale to a consumer. The container is described as a shallow tray having a lid. However, Sasuga does not disclose a container having a block of dehydrated coir fibres, wherein the block abuts against the interior of the container and upon rehydration expands upwardly within the container towards the open top. Accordingly, Sasuga fails to teach or suggest each element of amended claim 1.

Toyone reports processed coconut outer husk chops for hydroponic cultivation. Toyone fails to teach or suggest a container having a block of dehydrated coir fibres, wherein the block abuts against the interior of the container and upon rehydration expands upwardly within the container towards the open top, and therefore fails to remedy the deficiencies of Sasuga.

Seidel describes a cardboard plant box. Seidel fails to teach or suggest a container having a block of dehydrated coir fibres, wherein the block abuts against the interior of

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the container and upon rehydration expands upwardly within the container towards the open top, and therefore fails to remedy the deficiencies of Sasuga.

Because all elements of amended claim 1 are not taught or suggested by the combination of Sasuga, Toyone, and Seidel, withdrawal of this rejection is respectfully requested. Claims 2-5 depend either directly or indirectly from claim 1, and are therefore allowable as depending from an allowable base claim as well as for the novel combination of elements they recite.

Presently pending claim 6 recites a method that includes, *inter alia*, i) folding side(s) on top of the block and sealing to form packaging of the block, ii) unsealing the folded sides to form an open topped container, and iii) re-hydrating and readying the block of coir fibres to receive plants therein.

Sasuga discusses a clam shell type container having a top portion that folds onto a bottom section. Sasuga fails to disclose a method that includes, for example, folding side(s) of the container on top of the block and sealing to form packaging of the block, unsealing the folded sides to form an open topped container, and re-hydrating and readying the block of coir fibres to receive plants therein. Accordingly, Sasuga fails to teach or suggest each element of presently pending claim 6.

Toyone reports processed coconut outer husk chops for hydroponic cultivation, but fails to disclose a method that includes folding side(s) of the container on top of the block and sealing to form packaging of the block, unsealing the folded sides to form an open topped container, and re-hydrating and readying the block of coir fibres to receive plants therein. Accordingly, Toyone fails to remedy the deficiencies of Sasuga.

Seidel describes a topless cardboard plant box, but fails to disclose a method that includes folding side(s) of the container on top of the block and sealing to form packaging of the block, unsealing the folded sides to form an open topped container, and re-hydrating and readying the block of coir fibres to receive plants therein. Accordingly, Seidel fails to remedy the deficiencies of Sasuga.

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Because all elements of presently pending claim 6 are not taught or suggested by the combination of Sasuga, Toyone, and Seidel, withdrawal of this rejection is respectfully requested.

Second Rejection Under 35 U.S.C. §103

Claims 1 and 4-6 were rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 5,224,295 to Izzard ["Izzard '295"] in view of U.S. Patent No. 1,828,488 to Seidel ["Seidel"] and PCT Publication No. WO 03/004379 to De Vesci ["De Vesci"]. This rejection is overcome as follows.

It is respectfully submitted that the combination of cited references do not meet the requirements of a *prima facie* case obviousness under MPEP 2143 because they fail to teach all of the presently claimed elements.

Izzard '295 discusses a plant growing kit for growing a tree. However, Izzard '295 does not disclose a container having a block of dehydrated coir fibres, wherein the block abuts against the interior of the container and upon rehydration expands upwardly within the container towards the open top. Accordingly, Izzard '295 fails to teach or suggest each element of amended claim 1.

The deficiencies of Seidel are discussed above.

De Vesci discusses an expandable package for reconstituting growing media. However, De Vesci does not disclose a container having a block of dehydrated coir fibres, wherein the block abuts against the interior of the container and upon rehydration expands upwardly within the container towards the open top. Accordingly, De Vesci fails to teach or suggest each element of amended claim 1.

Because all elements of amended claim 1 are not taught or suggested by the combination of Izzard '295, Seidel, and De Vesci, withdrawal of this rejection is respectfully requested. Claims 4 and 5 depend either directly or indirectly from claim 1, and are therefore allowable as depending from an allowable base claim as well as for the novel combination of elements they recite.

Presently pending claim 6 recites a method that includes, *inter alia*, i) folding side(s) on top of the block and sealing to form packaging of the block, ii) unsealing the folded

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sides to form an open topped container, and iii) re-hydrating and readying the block of coir fibres to receive plants therein.

Izzard '295 discusses a box type container having a top portion that folds onto a bottom section, and a growing medium that is hydrated prior to placement in the container. Izzard '295 fails to disclose a method that includes, for example, folding side(s) of the container on top of the block and sealing to form packaging of the block, unsealing the folded sides to form an open topped container, and re-hydrating and readying the block of coir fibres to receive plants therein. Accordingly, Izzard '295 fails to teach or suggest each element of presently pending claim 6.

The deficiencies of Seidel are discussed above.

De Vesci describes a topless cardboard plant box, but fails to disclose a method that includes folding side(s) of the container on top of the block and sealing to form packaging of the block, unsealing the folded sides to form an open topped container, and re-hydrating and readying the block of coir fibres to receive plants therein. Accordingly, De Vesci fails to remedy the deficiencies of Izzard '295.

Because all elements of presently pending claim 6 are not taught or suggested by the combination of Izzard '295, Seidel, and De Vesci, withdrawal of this rejection is respectfully requested.

Third Rejection Under 35 U.S.C. §103

Claims 2 and 3 were rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 5,224,295 to Izzard ["Izzard '295"] as applied to claim 1 above, and further in view of U.S. Patent Pub. No. 2003/0024163 to Sasuga ["Sasuga"]. This rejection is overcome as follows.

It is respectfully submitted that the combination of cited references do not meet the requirements of a *prima facie* case obviousness under MPEP 2143 because they fail to teach all of the presently claimed elements.

The deficiencies of Izzard '295 and Sasuga are discussed above.

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Because all elements of amended claim 1 or presently pending claim 6 are not taught or suggested by the combination of Izzard and Sasuga, withdrawal of this rejection is respectfully requested.

Fourth Rejection Under 35 U.S.C. §103

Claims 1-6 were rejected under 35 U.S.C. §103(a) as allegedly obvious over U.S. Patent No. 3,971,160 to Vatjay ["Vatjay"] in view of U.S. Patent No. 1,828,488 to Seidel ["Seidel"] and U.S. Patent No. 5,458,662 to Toyone ["Toyone"]. This rejection is overcome as follows.

It is respectfully submitted that the combination of cited references do not meet the requirements of a *prima facie* case obviousness under MPEP 2143 because they fail to teach all of the presently claimed elements.

Vatjay discusses a package for shipping organic pellets for subsequent plant growth. However, Vatjay does not disclose a container having a block of dehydrated coir fibres, wherein the block abuts against the interior of the container and upon rehydration expands upwardly within the container towards the open top. Accordingly, Vatjay fails to teach or suggest each element of amended claim 1.

The deficiencies of Seidel and Toyone are discussed above.

Because all elements of amended claim 1 are not taught or suggested by the combination of Vatjay, Seidel, and Toyone, withdrawal of this rejection is respectfully requested. Claims 2-5 depend either directly or indirectly from claim 1, and are therefore allowable as depending from an allowable base claim as well as for the novel combination of elements they recite.

Presently pending claim 6 recites a method that includes, *inter alia*, i) folding side(s) on top of the block and sealing to form packaging of the block, ii) unsealing the folded sides to form an open topped container, and iii) re-hydrating and readying the block of coir fibres to receive plants therein.

Vatjay discusses a rigid tray disposed within a bag for shipping organic pellets for subsequent plant growth. Vatjay fails to disclose a method that includes, for example, folding side(s) of the container on top of the block and sealing to form packaging of the block, unsealing

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the folded sides to form an open topped container, and re-hydrating and readying the block of coir fibres to receive plants therein. Accordingly, Vatjay fails to teach or suggest each element of presently pending claim 6.

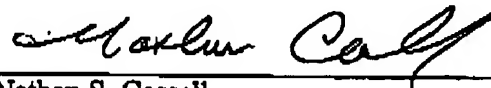
The deficiencies of Seidel and Toyone are discussed above.

Because all elements of presently pending claim 6 are not taught or suggested by the combination of Vatjay, Seidel, and Toyone, withdrawal of this rejection is respectfully requested.

None of the references cited in this Office Action, nor any combination of the references, disclose a container having a block of dehydrated coir fibres, wherein the block abuts against the interior of the container and upon rehydration expands upwardly within the container towards the open top. These claim elements provide advantages in that the product can be easily shipped to customers as a single package which is easily folded and reconstituted as a growing medium within a container for the growth of plant material. The containers of the presently claimed invention are useful in that there can be a number of hydroponic crops. None of these cited references envisage or are suitable for the growth of multiple, or substantial amounts of, hydroponic crops. None of the containers discussed in these cited references are suitable for a coir block to expand in an upwards direction as is the case with the presently claimed invention. The containers discussed in the cited references are unsuitable for use with coir blocks, because the expansion of coir blocks as presently claimed would not allow the growing medium to be contained within the presently claimed container.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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